

Isabel C. Balboa, Esquire (IB-4082)  
Chapter 13 Standing Trustee  
OFFICE OF THE CHAPTER 13 TRUSTEE  
Cherry Tree Corporate Center  
535 Route 38, Suite 580  
Cherry Hill, NJ 08002  
(856) 663-5002

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
(Camden)

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IN RE:  
CARLOS J & CAROL MARTINO

Proceedings in Chapter 13

Case No. 0117893 JHW

NOTICE OF MOTION FOR ENTRY OF AN ORDER

1. Dismissal of Proceeding, or
2. For Wage Order for Trustee

Debtors.

Hearing Date: 05/21/04  
11:00 AM

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TO: CLERK OF THE COURT  
UNITED STATES BANKRUPTCY COURT  
4TH & COOPER, 4TH FLOOR COURTROOM 4B  
CAMDEN, NJ 08101-2067

CARLOS J & CAROL MARTINO  
537 WESLEY AVENUE

NATIONAL PARK NJ 08063

KEVIN DOWLING, ESQ.  
23 EUCLID BANK  
P.O.BOX 373  
WOODBURY NJ 08096

Isabel C. Balboa, Chapter 13 Standing Trustee, has filed papers  
with the Court for an Order dismissing debtor(s) Chapter 13  
Bankruptcy, or in the alternative, for a Wage Order.

Your rights may be affected. You should read these papers  
carefully and discuss them with your attorney, if you have one  
in this bankruptcy case. (If you do not have an attorney, you  
may wish to consult one.)

If you do not want the Court to grant the relief sought or

you want the court to consider your views on this motion, within seven (7) days of the date of this motion:

1. You or your attorney must file a written answer, explaining your position at:

BANKRUPTCY COURT CLERK  
THE U.S. POST OFFICE AND COURTHOUSE BUILDING  
POST OFFICE BOX 2067  
CAMDEN, NEW JERSEY 08101-2067

2. If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the time frame stated above.

3. You must also mail a copy to:

ISABEL C. BALBOA  
CHAPTER 13 STANDING TRUSTEE  
CHERRY TREE CORPORATE CENTER  
535 ROUTE 38, SUITE 580  
CHERRY HILL, NJ 08002

4. You must also attend the hearing scheduled for 05/21/04 at 11:00 AM in the courtroom of Judge Judith H. Wizmur, Mitchell H. Cohen Federal Courthouse, 1 John F. Gerry Plaza, 4TH and Cooper, 4TH Floor, Courtroom 4B, Camden, New Jersey 08101.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter the order granting relief.

Date: 04/21/04

/s/ ISABEL C. BALBOA

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ISABEL C. BALBOA  
Chapter 13 Standing Trustee

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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
(Camden)

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IN RE:

Proceedings in Chapter 13

CARLOS J & CAROL MARTINO

Case No. 0117893 JHW

CERTIFICATION IN SUPPPORT OF  
MOTION TO DISMISS, OR FOR A  
WAGE ORDER

Debtor(s). Hearing Date: 05/21/04 @  
11:00 AM

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ISABEL C. BALBOA, hereby certifies as follows:

1. I am the Chapter 13 Standing Trustee for Region 3 pursuant to an order entered by the Office of the United States Trustee, United States Department of Justice.

2. I am personally familiar with the matters set forth herein and I am qualified to testify about them.

3. This Court has exclusive jurisdiction over this matter pursuant to 28 U.S.C. Section 157 and 11 U.S.C. Section 105. This is a core proceeding.

4. As of the date of this Motion the debtor(s) are in arrears \$2,790.00 since inception of the plan.

5. The last date and payment amount received by debtor(s) was on 02/02/04 in the amount of \$ \$930.00.

6. Therefore, pursuant to 11 U.S.C. Section 1307 (c), the Trustee seeks entry of an Order dismissing debtor's case, or in the alternative where applicable, for entry of an Order requiring that plan payments be deducted from the debtor(s) earnings and transmitted directly to the Trustee by the debtor(s) employer pursuant to 11 U.S.C. Section 1302(a) (5), or in the alternative, such other relief as the Court may direct, for failure of the debtor(s) to comply with terms of the debtor(s) Plan of Arrangement in that required payments to the Trustee have not been made.\*

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 04/21/04

/s/ ISABEL C. BALBOA

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Isabel C. Balboa  
Chapter 13 Standing Trustee

\* Additionally, plan cannot be completed as confirmed due to stay relief.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Isabel C. Balboa, Esquire (IB-4082)  
Chapter 13 Standing Trustee  
Cherry Tree Corporate Center  
535 Route 38, Suite 580  
Cherry Hill, NJ 08002  
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Case No. 0117893 JHW

In Re:

Hearing Date: 05/21/04  
11:00 AM

CARLOS J & CAROL MARTINO  
537 WESLEY AVENUE

NATIONAL PARK NJ 08063

Judge: Judith H. Wizmur

ORDER ON TRUSTEE'S MOTION TO DISMISS

The relief set forth on the following pages, numbered two (2) through two (2) is Hereby ORDERED.

(PAGE 2)

Debtor: CARLOS J & CAROL MARTINO

Case No: 0117893 JHW

Caption of Order: ORDER ON TRUSTEE'S MOTION TO DISMISS

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Upon consideration of the Motion filed by Isabel C. Balboa, Chapter 13 Standing Trustee, for dismissal of the within proceedings under Chapter 13 of the Bankruptcy Code, or in the alternative, for entry of an Order requiring the plan payment to be deducted from the debtor(s) earnings and transmitted directly to the Trustee by the debtor(s) employer, on the grounds that the debtor(s) has/have failed to make the required plan payment to the Trustee under the Plan of Arrangement as confirmed and due Notice of said Motion having been given by mail to the debtor(s) and their attorney, if any, and good cause appearing therefore, it is hereby

\_\_\_\_\_ allowed to continue and the Trustee's Motion to Dismiss is hereby dismissed/ denied/ withdrawn.

\_\_\_\_\_ allowed to continue at the regular monthly payment/monthly payment of \$\_\_\_\_\_, however, if the debtor(s) should fail to make any further regular Chapter 13 Plan payment to the Trustee for a period of more than thirty (30) consecutive days, upon the Certification of the Trustee of such non-receipt of payment with Notice of said Certification to the debtor and debtor(s) attorney, if any, the within case shall be dismissed and an EX PARTE ORDER shall be entered.

\_\_\_\_\_ dismissed.

\_\_\_\_\_ the employer of said debtor(s), \_\_\_\_\_, shall deduct from the earnings of said debtor(s) the sum of \$\_\_\_\_\_ each month/ week beginning in the next month following receipt of this Order and including any period for which the debtor(s) received periodic or lump sum payment for or on account of vacation, termination, or any benefits arising out of present or past employment of the debtor(s), and to forthwith remit the sums so deducted to ISABEL C. BALBOA, the Trustee herein or his successor in interest. In the event of termination of the debtor(s) employment, said employer shall so notify the Trustee of the termination and the reason for such termination.

OFFICE OF THE CHAPTER 13 TRUSTEE  
Isabel C. Balboa, Esquire (IB-4082)  
Chapter 13 Standing Trustee  
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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
(Camden)

IN RE: Proceedings in Chapter 13

CARLOS J & CAROL MARTINO

Case No. 0117893 JHW

CERTIFICATE OF SERVICE

Debtor(s).

I, Isabel C. Balboa, Chapter 13 Standing Trustee, being of full  
age, certify as follows:

1. On 04/26/04, I caused a true copy of a Trustee's Motion to  
Dismiss to be served upon

CARLOS J & CAROL MARTINO  
537 WESLEY AVENUE

NATIONAL PARK NJ 08063

KEVIN DOWLING, ESQ.  
23 EUCLID BANK  
P.O.BOX 373  
WOODBURY NJ 08096

I certify under penalty of perjury that the foregoing is true  
and correct.

Executed on 04/26/04

/s/ISABEL C. BALBOA

Isabel C. Balboa  
Chapter 13 Standing Trustee